

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Wednesday, March 15, 2023

TIME: 1:00 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Burtenshaw, Senators Guthrie, Den Hartog, Harris, Okuniewicz, Schroeder, and Taylor

ABSENT/ EXCUSED: Vice Chairman Adams, Senator Semmelroth

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Burtenshaw** called the meeting of the Senate Resources and Environment Committee (Committee) to order at 1:02 p.m.

GUBERNATORIAL REAPPOINTMENT VOTE: **Senator Schroeder** moved to send the Gubernatorial reappointment of Marc Brinkmeyer of Sandpoint, Idaho to the Lake Pend Oreille Basin Commission to the floor with the recommendation that he be confirmed by the Senate. **Senator Okuniewicz** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT VOTE: **Senator Harris** moved to send the Gubernatorial appointment of Amy Manning of Pocatello, Idaho to the Parks and Recreation Board to the floor with the recommendation that she be confirmed by the Senate. **Senator Den Hartog** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT VOTE: **Senator Den Hartog** moved to send the Gubernatorial appointment of Hugh Cooke of Moscow, Idaho to the Parks and Recreation Board to the floor with the recommendation that he be confirmed by the Senate. **Senator Schroeder** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT VOTE: **Senator Okuniewicz** moved to send the Gubernatorial appointment of Charles Rody of Bonners Ferry, Idaho to the Parks and Recreation Board to the floor with the recommendation that he be confirmed by the Senate. **Senator Taylor** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL REAPPOINTMENT: **Committee Consideration of the Gubernatorial Reappointment of Linda Mitchell of Sagle, Idaho to the Lake Pend Oreille Basin Commission**, to serve a term commencing July 24, 2021 and expiring July 24, 2024. **Ms. Mitchell** presented before the Committee via video. She shared she had served on the Lake Pend Oreille Basin Commission (Lakes Commission) since its inception in 2003. She had a degree in environmental studies from the University of California, Santa Barbara. She moved to Idaho in 1977 and had spent 46 years in Sandpoint exploring Lake Pend Oreille. Since 1997, she had been the co-owner of Lake Pend Oreille Cruises, where she served as historian, naturalist, and first mate. She believed her educational background, and knowledge of the lake made her an asset to the Lakes Commission.

DISCUSSION: In response to a question from Senator Harris, **Ms. Mitchell** stated she spent five months of the year in a small town called Mulege in Baja California, and seven months of the year in Sandpoint. **Senator Harris** then asked what were some of the biggest issues she currently saw with the lake. **Ms. Mitchell** responded that the biggest issue was the explosion of population in their area, resulting in pollution, a high demand for their water, and erosion along the shoreline due to an extensive increase in boat traffic and forests being cut down on private land at the north end of the lake. **Senator Okuniewicz** asked Ms. Mitchell for her thoughts on the Priest River siphon. **Ms. Mitchell** explained that Chip (Charles) Corsi from Idaho Fish and Game (IDFG) was the driving force behind the siphon idea and since he retired there had not been much talk on the subject. She added that if IDFG decided to move forward with the project, it would need much more extensive study, and there was a lot of opposition to the project from Priest Lake property owners.

H 156: **PREDATORY WILDLIFE - Amends existing law to classify rattlesnakes as predatory wildlife.** **Senator Carlson** explained **H 156** added rattlesnakes to the list of predatory wildlife to Idaho Code § 36-201.

DISCUSSION: **Senator Schroeder** asked if rattlesnakes were currently protected in Idaho. **Senator Carlson** replied that rattlesnakes were currently protected. **Senator Schroeder** asked where in Idaho Code it stated that rattlesnakes were protected. **Senator Carlson** replied that she did not know, but she thought it might be in IDFG rules. **Senator Schroeder** then asked if Senator Carlson was aware of any instances where someone who had killed a rattlesnake had been prosecuted or charged with unlawfully killing a rattlesnake. **Senator Carlson** was not aware of any instances. **Senator Taylor** asked what about rattlesnakes was predatory. **Senator Carlson** responded that rattlesnakes were prolific where she lives and in the summer months they become agitated and bite her grandchildren when they play in the yard.

TESTIMONY: **Charlie Justus** testified against **H 156**. He stated he was a retired IDFG conservation officer and a member of Partners in Amphibian and Reptile Conservation. He stated rattlesnakes were a predator for small game, but not a predator for people. He confirmed rattlesnakes had non-game protected status, but IDFG rules stated that protected non-game status did not prevent the unintentional take of rattlesnakes, such as for personal protection. In his years working for IDFG, he was not aware of any officers writing a citation for taking rattlesnakes. His opinion was that if rattlesnakes moved to the list of predatory wildlife, where someone could take them at any time for any reason, Idaho's rattlesnake populations, especially around den sites where they were concentrated and more vulnerable, would be asking for trouble.

Senator Schroeder asked what rattlesnakes eat and keep at bay. **Mr. Justus** stated rodents, such as mice, rats, and ground squirrels. **Senator Guthrie** asked why animals such as jackrabbits and skunks were on the list of predatory wildlife, as they were not predatory to humans. **Mr. Justus** responded because they were a threat to Idaho as a whole or to agriculture. He added raccoons were on the list due to being a nuisance, and coyotes due to threatening livestock.

TESTIMONY:

Chuck Peterson testified against **H 156**. He shared he was a retired professor of sociology representing his personal views. His laboratory had studied rattlesnakes in Idaho for over 30 years, and it was funded by sources including the United States Department of Energy, the Idaho National Guard, and the National Geographic Society. He opposed this legislation because it was unnecessary. He confirmed it was okay to kill a rattlesnake without permission and without a hunting license, if it was a threat to you, your property, or your animals. He also stated the risk of rattlesnake bites to humans and their animals was low, rattlesnakes control rodent populations and prevent their spread of diseases, and they are an important source of food for many species. He provided several reasons why rattlesnake populations in Idaho could not sustain heavy hunting.

In response to a request from Senator Schroeder, **Mr. Peterson** spoke about rattlesnake hibernation, how snakes emerge from hibernation and spread out to find food, and the longest travel distance documented by his laboratory, which was five miles.

Senator Carlson concluded by stating rattlesnakes were a predator for people and a threat to the safety of dogs and children due to their poisonous nature. She did not believe this legislation would lead to a rattlesnake killing spree.

Senator Okuniewicz stated rattlesnakes have been known to eat eggs and occasionally chickens, so he did not necessarily think a predatory classification was out of line, and he did not believe this legislation would cause them to be wiped out. He thought IDFG could continue to be involved in regulating rattlesnakes via rule to prevent their wanton waste and destruction even with a designation as predatory wildlife.

MOTION:

Senator Okuniewicz moved to send **H 156** to the floor with a **do pass** recommendation. **Senator Harris** seconded the motion.

DISCUSSION:

Senator Schroeder stated he thought Senator Okuniewicz's comments were important, but he believed this legislation was unnecessary. He was concerned that if designating rattlesnakes as predators meant there was no limit to taking rattlesnakes, someone could go take out a den and remove hundreds of square miles of beneficial predation.

**ROLL CALL
VOTE:**

Chairman Burtenshaw called for a roll call vote on the motion. **Chairman Burtenshaw**, and **Senators Den Hartog, Harris**, and **Okuniewicz** voted aye. **Senators Guthrie, Schroeder**, and **Taylor** voted nay. **Vice Chairman Adams** and **Senator Semmelroth** were absent. The motion passed.

S 1143:

FISH AND GAME - Adds to existing law to provide for seasonal restrictions regarding antlers and horns to protect wintering big game. **Senator Harris** explained **S 1143** gave IDFG the authority to regulate the gathering of antlers and horns of deer, elk, moose, sheep, and pronghorn on a seasonal basis. The reason for this was to address the negative impacts from antler and horn hunting on big game animals during harsh winter conditions when animals were stressed. He explained Utah, Nevada, and Colorado set restrictions on shed hunting, which caused the number of people participating in this activity in Idaho to increase.

TESTIMONY: **Amber Worthington**, Deputy Director, IDFG, **Brian Brooks**, Idaho Wildlife Federation, and **Peyton Nunes**, Benn Brocksome and Associates, testified in favor of **S 1143**. **Ms. Worthington** shared that IDFG staff worked with the legislation's sponsor and Representative Raybould to draft modifications to add Section 507 to Chapter 5, Title 36, Idaho Code to add an extra tool for IDFG to use to protect wintering big game should it be necessary. Currently, the only option available was to close IDFG's wildlife management areas, which did not cover nearly enough acreage to be as effective. Should the need arise, this legislation would allow IDFG to declare a season for shed antler collection hunting. **Brian Brooks** shared some reasons why shed hunting was no longer a passive activity, including the potential monetary gain from harvested shed antlers and horns, and why shed hunting was, in all practical respects, hunting.

MOTION: **Senator Schroeder** moved to send **S 1143** to the floor with a **do pass** recommendation. **Senator Taylor** seconded the motion.

DISCUSSION: **Senator Okuniewicz** shared that he believed there were other solutions to this problem and he proposed some examples, and he stated he would not support this legislation.

VOICE VOTE: The motion carried by **voice vote**. **Senator Okuniewicz** requested that he be recorded as voting nay.

PRESENTATION: **Idaho Rural Water Apprenticeship Program**. Shelley Roberts, Chief Executive Officer, Idaho Rural Water Association reviewed the Idaho Rural Water Association and their efforts to address a labor shortage in water and wastewater operators with an apprenticeship program (Attachments 1 and 2). Her presentation was brief due to time constraints.

ADJOURNED: There being no further business as this time, **Chairman Burtenshaw** adjourned the meeting at 2:05 p.m.

Senator Burtenshaw
Chair

Shelly Johnson
Secretary